

REMARKS / ARGUMENTS

Reconsideration of this application, as amended is respectfully requested. The following remarks are responsive to the Office Action mailed on October 19, 2006.

Claims 1 - 6, 8 - 12, 14, 16 - 21, 23 and 25 - 28 are pending in the present application. Claims 1, 16, and 21 are independent claims; of these, 1 and 21 have been amended. Dependent claims 14, 23, 25, 26, and 27 have been amended. Claims 22 and 24 have been canceled, in favor of including their subject matter in now-amended claim 1.

There are no new claims; no new matter has been added.

35 U.S.C. §102(e) Rejections***re Claims 1, 2, 4-7, 13-17 and 19-21***

The Examiner has rejected claims 1, 2, 4-7, 13-17 and 19-21 under 35 U.S.C. §102(e) as being anticipated by Chishti *et al.*, (U.S. Publication No. 2005/0244782). In making this rejection, the Examiner asserts that the Chishti reference discloses a "method for moving teeth, comprising: moving a first tooth; and moving a second tooth while isolating the first tooth at a rest position". Applicant respectfully traverses the rejections of independent claims 1, 16, and 21, and claims 2, 4 - 7, 13 - 15, 17, and 19 - 20 respectively dependent therefrom.

The Examiner has also allowed the subject matter of claims 22 and 23 if written in the independent form, with limitations of the base claim. Although applicant disagrees with the Examiner's contention, to expedite allowance, the Applicant has accordingly amended claim 21 by adding the limitation "relieving the tooth of any applied force," therefore making an allowable claim. Applicant's understanding of the Examiner's remarks is that "relieving of applied force" is the important limitation. Applicant belief is that "relieving of applied force" is more fundamental than "creating space", and that "such that no undesirable contact is made with the tooth" is descriptive or a limitation of "relieving of force". Accordingly, "creating space" has been removed from claim 21, and "creating space around the tooth, such that no undesirable contact is made" remains in claim 23.

By extension of the Examiner's remarks regarding claim 22, applicant concludes that by inclusion of the amended limitation "isolating the first tooth by relieving the first tooth of any applied force" into claim 1, it becomes allowable. Applicant will refer to this amended language as amended language, part 1.

Claim 1 has been further amended by replacing the article "a" with "at least one" (first tooth and second tooth). The purpose of this latter amending language is to create a claim identical to allowable claim 24 (claim 24 can then be canceled in favor of now-amended claim 1, as discussed below). Applicant will refer to this amended language as amended language, part 2.

Thus, by amended language part 1, applicant asserts that claim 1 is now allowable. Following the inclusion of the significantly amended language part 1, amended language part 2 is seen as neutral with regard to allowability, and is included to provide antecedence for claims 14, and 25 - 27, formerly depending from now canceled claim 24.

By virtue of claim 1 being allowable by the current amendment, so too should be claims 2, 4 - 6, and 14, all of which depend from claim 1. Claims 13 and 15 had already been canceled.

Claim 16 should be allowable, according to Examiner's comments regarding claim 22, whereby the limitation "by relieving the force applied to it" was allowable. By this comment, applicants respectfully traverses the rejection of claim 16. With claim 16 being allowable, so should claim 17 be allowable.

35 U.S.C. §103(a) Rejections

re Claims 3, 8-12 and 18

The Examiner has rejected claims 3, 8 - 12 and 18 under 35 U.S.C. §103(a) as being unpatentable over Chishti *et al.* The Examiner asserts that the Chishti reference discloses the claimed invention except for duration being the periods of time as claimed (each of these claims includes a time-interval specific limitation), and that it would have been obvious to incorporate such time intervals in order to provide a variation of implemented treatment schedules.

These claims all relate to specific time periods attached to "durations" of tooth movement. Inasmuch as applicant asserts that claims 1 and 16 are allowable over Chisti, the specific time periods are merely limitations associated with these durations, the referenced claims are also allowable. Accordingly, applicant respectfully traverses the 103(a) rejections of these referenced claims.

Allowable Subject Matter

The Examiner has objected to claims 22 and 23 for being dependent on rejected claim 21, but acknowledges their allowability if rewritten in independent form. Applicant appreciates the Examiner's allowance of this subject matter. Accordingly, the limitation unique to claim 22 (relieving the tooth of any applied force) has been amended into independent claim 21, and the claim 22, itself, canceled. Claim 23 has been amended to now depend from claim 21.

The Examiner has further allowed claims 24 - 28. Applicant appreciates the Examiner's allowance of this subject matter. Claim 24 has been canceled, and the subject matter incorporated into now-amended claim 1, as detailed above. Claims 25, 26, and 27 have been amended only to change the dependency, now-appropriate, to claim 1.

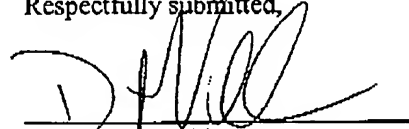
Claim 28 stands in its previously presented form. The allowance of this subject matter enforces the applicant's contention, as above, that claim 16, from which claim 28 depends, is allowable.

CONDITION FOR ALLOWANCE

The applicant submits that the present application is now in condition for allowance. The Examiner is invited to contact applicant's attorney, Dusty Vogelpohl, via telephone at (650) 328-8500, if it would further the allowance of the present application. The applicant further submits that no new matter has been added.

Please charge any deficiencies and credit any overpayments to Deposit Account No. 50-2638, referencing Attorney Docket No. AT-000221. Please charge any corresponding fee to Deposit Account No. 50-2638.

Respectfully submitted,


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